THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6619 OF 2006

17.04.2006

Between:

Bathapudi Venkataratnam, S/o.Venkata Ratnam

… Petitioner

AND

The Revenue Divisional Officer, Narsapur,

West Godavari District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6619 OF 2006

ORDER:

The petitioner is the plaintiff in O.S.No.285 of 1999 on the file of the Court of the Principal Junior Civil Judge, Narsapur, West Godavari District. He filed the suit against respondents 2 and 3 for specific performance of agreement of sale dated 26.11.1996. The learned Junior Civil Judge, by order dated 24.7.2004 referred the suit agreement to the first respondent for impounding the same. However, the first respondent opined that no further stamp duty is leviable. It appears, the learned Junior Civil Judge again referred the matter to the first respondent, who by impugned proceedings dated 23.3.2006 valued the suit agreement under Article 6(B) of Schedule I-A of Stamp Act, 1899 determining the stamp duty payable as Rs.2,500/- and imposed penalty of Rs.24,500/-, after giving deduction to an amount of Rs.50/-, which was already paid. This is challenged in the present writ petition.

Learned Counsel for the petitioner placed reliance on the decision of this Court in **Saranam Peda Appaiah v S.Narasimha Reddy**, wherein it was laid down by the Division Bench of this Court that Article 6(B) of Schedule I-A of Stamp Act has no application to the suit agreement of sale covering agricultural land. In view of this decision, the petitioner is given liberty to approach the Court of Principal Junior Civil Judge, Narsapur, which is directed to consider the decision of the Division Bench of

this Court in **Saranam Peda Appaiah** (supra), and pass appropriate orders in accordance with law.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 17, 2006

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